REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance or into better condition for appeal. Applicants thank the Examiner for the courtesies extended to the undersigned during the December 1, 2005 interview at the PTO.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending. Claims 1, 4, 5 and 12 were amended, without prejudice. No new matter is added.

Applicants expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended. Thus, Applicants hereby expressly rebut any presumption that Applicants have narrowed or surrendered any equivalents under the doctrine of equivalents by amending the claims, or by presenting any remarks in this paper, and in no way do Applicants disclaim any of the territory between the original claims and the amended claims with respect to any equivalent subject matter.

A two (2)-month extension of time is requested. Authorization is given to charge the fee for the extension, or any additional fees for consideration of this paper, to Deposit Account No. 08-2525.

II. 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION

Claims 1-16 were rejected under 35 U.S.C. §112, first paragraph, as lacking written description for the proviso in claim 1. Applicants respectfully traverse the rejection.

The Examiner is reminded that the courts have long considered claim provisos that narrow the scope of an invention to fall within the purview of what Applicants have a right to claim. For example, according to *Ex Parte Williams*:

> [W]hile this limitation in the protection sought is expressed in terms **not to be found in the original disclosure,** we see no valid objection to the appellants' thus eliminating from the scope of

> protection sought certain materials which may possibly have been included in the original disclosure. In other words, **the limitation has a narrowing effect rather than a broadening effect and [is] permissible.**

39 U.S.P.Q. 125, 127 (Pat. Off. Bd. App. 1938); *accord, In re Wakefield*, 164 U.S.P.Q. 636 (C.C.P.A. 1970).

Against this background, Applicants have exercised their right to claim subject matter in a manner acceptable to the courts. Applicants' proviso in claim 1 is, therefore, proper.

Consequently, reconsideration and withdrawal of the Section 112, first paragraph, rejection are respectfully requested.

III. 35 U.S.C. § 103 REJECTION

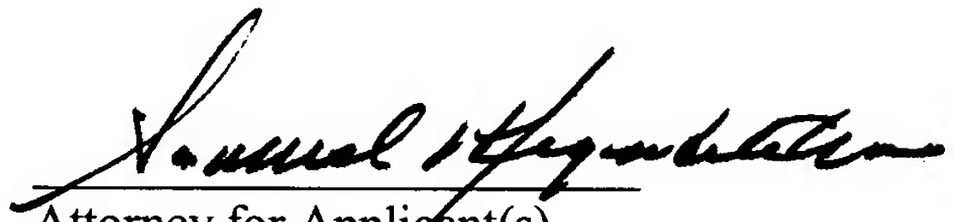
Claims 1-7, 10, 11 and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,649,146 to Takaya et al. Although Applicants respectfully disagree, the amendment to the R^3 group in the claims, as discussed with the Examiner during the December 1, 2005 interview, renders the rejection moot.

Consequently, reconsideration and withdrawal of the Section 103 rejection are respectfully requested.

CONCLUSION

In view of the remarks herewith, the application is in condition for allowance or in better condition for appeal. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,



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